

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

AARON WILLIAM POLK,

Defendant.

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4:10CR3053

MEMORANDUM AND ORDER

The defendant moved to continue the pretrial motion deadline currently set for February 4, 2011. Filing No. 60. Defense counsel explains additional time is needed to review discovery received from the government. A hearing was held on the motion, with the defendant present at the hearing. Based on the representations of counsel and the defendant, the court finds the motion should be granted.

IT IS ORDERED:

- 1) The defendant's unopposed motion to continue, (filing no.60), is granted and the defendant's pretrial motions and briefs shall be filed on or before April 1, 2011.
- 2) The ends of justice served by granting defendant's motion to continue the pretrial motion deadline outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between February 4, 2011 and April 1, 2011, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).
- 3) A telephonic hearing will be required on any future motions to continue the pretrial motion deadline. Counsel for the defendant shall set the hearing.

DATED this day of February 8, 2011.

BY THE COURT:  
s/ Cheryl R. Zwart  
United States Magistrate